



Elliott Greenleaf

May 12, 2020

VIA ECF

Hon. Cynthia M. Rufe, U.S.D.J.
U.S. District Court for the Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse
601 Market Street, Room 12614
Philadelphia, PA 19106-1714

Re: *Aetna Inc. et. al. v. Insys Therapeutics, Inc. et al.*, No. 17-cv-04812 (E.D. Pa.)

Dear Judge Rufe:

We represent the Plaintiffs, Aetna Inc. and Aetna Health Management, LLC, in the above-referenced matter.

On July 8, 2019, the Court entered an order staying the above-captioned case as to Defendant Insys Therapeutics, Inc. (“Insys”)’s voluntary Chapter 11 filing in the United States Bankruptcy Court for the District of Delaware (No. 19-bk-11292) (the “Chapter 11 Cases”). (ECF No. 84). In the July 8, 2019 Order, the Court instructed Insys to provide notification within 14 days of the dismissal and/or completion of the Chapter 11 Cases. While the Insys Chapter 11 Cases have not been dismissed and/or completed, counsel for Insys wrote the Court on March 3, 2020, to provide an update to the Court as to the status of the bankruptcy proceedings. (ECF No. 92). On May 5, 2020, the Court issued a Show Cause Order directed to Plaintiffs Aetna Inc. and Aetna Health Management, LLC, as to why this case should not be dismissed as to all parties. (ECF No. 93). Given the circumstances, Plaintiffs concur that dismissal is appropriate.

In accordance with the Court’s May 5, 2020 Show Cause Order, Plaintiffs respectfully request that Plaintiffs’ claims be dismissed *without prejudice*.

Respectfully submitted,

/s/ John P. Elliott

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cc: All counsel of record (*via* ECF)